



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200225057

Date: March 3, 2003

Comments Due: April 2, 2003

In reply, please refer to the Public Notice Number

The District Engineer, Sacramento District, Corps of Engineers (Corps) is evaluating a permit application from Somerset Development Company. The purpose of this notice is to inform interested parties of a proposed work activity and to solicit comments. This proposal is being evaluated under Section 404, Clean Water Act, for excavation and / or discharge of dredged or fill material into waters of the United States. The proposed project is described below and shown on the attached drawings. This notice may also be viewed at the Corps web site at:

<http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/>.

Applicant: Somerset Development Company, 100 W Liberty #990, Reno NV 89501

Location: The project site is west of Reno in Sections 1, 2, 3, 10, 11, & 12, Township 19 North, Range 19 East, Washoe County, Nevada in the Verdi USGS Topographic Quadrangle.

Purpose: The purpose of the proposed fill is to develop a single family residential community with integrated private golf courses and opens spaces with a trail system and wildlife corridors.

Project Description: The applicant is proposing to develop a 2,372 acre parcel that will include 2,648 dwelling units (1906 acres) commercial developments (18 acres), an 18-hole private golf course and a par-3 golf course (220 acres), roadways including utility crossings and bridges (58 acres), stormwater detention basins (0.13 acres) and open spaces (1263 acres). Within the project area, fills in waters of the United States (WOUS) are proposed for road and trail crossings, stormwater detention basins, residential developments, and the golf courses. The project site contains three primary, much-branched, unnamed tributaries to the Truckee River and adjacent wetlands. The total WOUS is 6.27 acres: 1.32 acres of wetlands; 2.39 acres of intermittent streams; and 2.56 acres of ephemeral streams. Approximately 36% of the WOUS (2.34 acres) will be impacted by the proposed development: no wetland impacts; 0.51 acres of intermittent streams and 1.83 acres of ephemeral streams. The ephemeral tributaries are typically 12 inches wide, more or less. Virtually all the ephemeral tributaries will be impacted, primarily by filling, with some regrading and lining with larger rock material (to stabilize the channel), or culverted. Because this is a multi-phase project and the final grading plan is not yet complete, the applicant is assuming a worse-case scenario where all the ephemeral tributaries will be impacted. The development will occur in 5 phases and anticipated to be completed in the next 10 years.

The attached maps provide a more clear location of the impacts and additional project details. The following table provides the location, purpose, and amounts of clean fill dirt:

Discharge Location	Purpose of Fill	Ephemeral Discharge (ft²)	Intermittent Discharge (ft²)
Golf Course	Grading for tees, fairways, & greens	22,215	3,510
Revegetation	Vegetation enhancement	3,049	3,260
Residential	Grading for housing	42,688	4,524
Road Crossings	Culverts	10,019	7,502
Trail Crossings	Culverts	0	204
Detention Basins	Stormwater storage	1,742	3,300
TOTALS		79,713	22,300

The applicant believes there is a need to create more housing units in the Reno area. Most of Phase I is completed and work is well underway for Phase II of this development.

The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The Corps has not determined if compensatory mitigation will be required if the proposed impacts are authorized. However, in anticipation of an affirmative permit decision and a need to provide compensatory mitigation, the applicant has proposed to complete several tributary enhancement activities and some wetland creation and enhancement work (see attached Sheets 2 and 6).

Background Information: This development has previously received authorization from the Corps to complete several infrastructure projects, including detention dams, road crossings, and other minor fills. These were completed under nationwide general permits. The applicant had started authorization for most of the above described activities under the Corps Letter of Permission authorization, however substantial changes since that process was started have occurred. Evaluating this proposal as an individual permit is more appropriate, in light of the project revisions.

Environmental Setting: The project site is located in an undeveloped rural area, west of Reno, north of Mogul, and east of Verdi. The project site is typical of Nevada: a sagebrush community (big sagebrush, rabbitbrush, green ephedra, and antelope bitterbrush) in moderately hilly terrain and many ephemeral and intermittent tributaries. The tributaries are often incised with sparse to no riparian vegetation. Riparian woody vegetation includes several species of willow, cottonwood, and serviceberry. Cheat grass, a non-native invasive annual, as well as squirreltail and Great Basin wildrye, are commonly found in the understory. The site provides suitable habitat for native wildlife. Also on the site are several seeps and springs.

Additional Information: Additional information may be obtained from the applicant at 775-323-1405 in Reno or by calling Richard Gebhart, Project Manager, Corps of Engineers at 775-784-5304 in Reno. Participation is encouraged so that the District Engineer is better able to

complete a more thorough public interest review. Comments assist the Corps to make a reasonable decision based on public interest factors. The District Engineer is particularly interested in receiving comments related to the proposals probable impacts on the affected aquatic systems functional values and the cumulative and secondary effects.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act, has been granted or is waived from the Nevada Division of Environmental Protection (NDEP). A waiver will be deemed to occur if the state does not or refuses to act on the request for certification within 60 days.

Section 404(b)(1) Evaluation: The activity's impact on the public interest will include application of the 404 (b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency.

Public Hearing: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

Endangered Species: Preliminary review for species protected under the Endangered Species Act (ESA) of 1973 (87 Stat. 844) indicates that the described activity will not affect listed species or their critical habitat. Consultation under Section 7 of the ESA is not required for the described activity.

Cultural Resources: In accordance with Section 106 of the National Historic Preservation Act, initial review of cultural resources information available in the National Register of Historic Places and its current supplements indicates that no historic properties would be affected by the proposed activity. This notice was sent to the Nevada State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed

above. Comments are used in the preparation of an Environmental Assessment and / or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Submitting Comments: Comments must be received on or before the expiration date (located on the top of the first page of this notice) to be considered in subsequent actions on this application. When submitting comments, reference the Corps number. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. Anyone whose interests may be affected by the proposed work is invited to submit favorable or unfavorable written comments to:

US Army Corps of Engineers
Reno Regulatory Office (Gebhart)
300 Booth Street Rm 2103
Reno NV 89509-1361
Email: richard.a.gebhart@usace.army.mil

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These state requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable statutory authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Attachments